REMARKS/ARGUMENTS

Claim 1 is pending. Claims 2-20 are canceled for reasons unrelated to patentability. Claim 1 is amended for reasons unrelated to patentability. Support for the amendments can be found in the specification at page 11, l. 27 through p. 12, l. 26; p. 13, ll. 17-29; Figure 3; Figure 4; and in the claims as originally filed. No new matter is added.

Applicants have amended claim 1 and canceled the others. Applicants do not concede that the subject matter encompassed by the earlier presented claims is not patentable over the art cited by the Examiner. Applicants canceled and amended claims in this response solely to facilitate expeditious prosecution of this application. Applicants respectfully reserve the right to pursue the earlier-presented claims, and additional claims, in one or more continuing applications.

I. Summary of Response

The combination of *Daizo* and *Smith* does not teach or suggest, "creating, at the client data processing system, a release data packet, wherein the release data packet includes the prior network address and wherein the release packet contains instructions for the second server to release the prior network address for reuse," as now presented in claim 1. The Office Action relies on *Smith* as teaching this claim feature.

However, *Smith* teaches that the last *server* creates the release packet, not the client data processing system as claimed. *Smith* teaches a typical use of release packets among servers. However, neither *Smith* nor *Daizo*, nor their combination, teaches or suggests creating a release packet at the client data processing system.

Thus, the combination of *Daizo* and *Smith* lacks an important advantage of the claimed invention, which is to allow a mobile computer to move from one server to another while releasing the server that is no longer used. The combination of *Smith* and *Daizo* is simply incapable of implementing this advantage because, in the context of mobile computers, the newer server does not know the identity of the original server.

Note that Applicants *do not argue this advantage as a reason for patentability of the claims*. Rather, Applicants are simply explaining for the Examiner's benefit why the claimed invention is useful.

II. 35 U.S.C. § 103(a): Asserted Obviousness

The Examiner rejects claim 1 under 35 U.S.C. § 103 as obvious over *Daizo*, Network System and DHCP Server Selection Method, U.S. Patent 6,424,654, (July 23, 2002) (hereinafter "*Daizo*") in view of *Smith*, Method and Apparatus for Transferring a Communication Session, United States Patent Application Publication 2003/0088676 May 8, 2003) (hereinafter "*Smith*"). The Office Action states that:

> Referring to claim 1, Daizo discloses the limitations of a data processing system comprising: comparing a received network address from a current server for use in identifying the data processing system with a prior network address from a previous server; with a prior network address from a previous server; and storing the new network address and an identification of the current server (Col. 5 lines 34- 38 The selector unit 12g compares two IP addresses 32 and 33 received from DHCP servers 11 and 21, respectively with the reference address 31 stored in the memory unit 12(and selects one of the DHCP servers for which a client requests permission to use an IP address.). Daizo did not discloses creating, at the client data processing system, a release data packet if the received network address is a new network address and the previous server is a different server than the current server, wherein the release data packet includes the prior network address and wherein the release packet contains instructions for the previous server to release the prior network address for reuse; and sending the release data packet to the previous server. The general concept of having the limitation of creating, at the client data processing system, a release data packet if the received network address is a new network address and the previous server is a different server than the current server, wherein the release data packet includes the prior network address and wherein the release packet contains instructions for the previous server to release the prior network address for reuse; and sending the release data packet to the previous server is well known in the art as taught by Smith. Smith discloses creating, at the client data processing system, a release data packet if the received network address is a new network address and the previous server is a different server than the current server ([0051] a separate session IP address 114 is created with the Transferring nod 106 will communicate with the Correspondent Node 102.)" wherein the release data packet includes the prior network address and wherein the release packet contains instructions for the previous server to release the prior network address for reuse; and sending the release data packet to the previous server([0056][0057][0058] Once the session terminates, the last Target Node should release the session IP address 114.ln the case of DSCP sever, the session IP address 114 will be released back to the DHCP server for future use. If the last Target Node is not on the original TRANSFERRING Node's subnet, then it must also de-register the session address 114 with the Agent 110.). It would have been obvious to one of

> ordinary skill in the art at the time of the invention to modify Daizo to include the limitations creating, at the client data processing system, a release data packet if the received network address is a new network address and the previous server is a different server than the current server, wherein the release data packet includes the prior network address and wherein the release packet contains instructions for the previous server to release the prior network address for reuse; and sending the release data packet to the previous server in order for the IP addresses can be used efficiently, and network management can be simplified.

Final Office Action of April 21, 2008, pp. 2-4.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). The scope and content of the prior art are… determined; differences between the prior art and the claims at issue are… ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

Claim 1 as amended is as follows:

> 1. (Currently Amended) A method in a client data processing system for managing network addresses, the method comprising:
>
> comparing a received network address with a prior network address, wherein the received network address is received at the client data processing system, wherein the received network address is sent from a first server, wherein the prior network address is associated with the client data processing system, wherein the prior network address had been sent from a second server different than the first server, and wherein the

> received network address is received subsequent to receipt of the prior network address;
>
> responsive to comparing, creating, at the client data processing system, a release data packet, wherein the release data packet includes the prior network address, wherein the release packet contains instructions for the second server to release the prior network address for reuse, wherein the release data packet contains further instructions for the second server to send an update to a domain name server to delete an entry mapping the prior network address to a name for the client data processing system, and wherein creating is initiated only after the current network address has been bound to the client data processing system;
>
> sending the release data packet to the second server;
>
> storing the new network address and an identification of the first server.

II.A. *Daizo and Smith Explicitly Contradict the Examiner's Assertion that the Combination Teaches "Creating," as Recited in Claim 1*

The proposed combination of references does not teach or suggest the claimed feature of, "creating, *at the client data processing system*, a release data packet if the received network address is a new network address and the previous server is a different server than the current server, wherein the release data packet includes the prior network address and wherein the release packet contains instructions for the previous server to release the prior network address for reuse." The Office Action admits that *Daizo* does not teach this claimed feature, but asserts that *Smith* teaches the features of original claim 1, which are similar to these features. Applicants first address the following portion of *Smith*, cited in the Office Action as teaching this claimed feature:

> [0051] The Mobile IP network operation of having a Home Agent (HA) intercepting packets sent to a device whose home location is on the HA's subnet and tunneling them to that device when it has relocated on a foreign subnet can be modified to enable the SID mobility network system 100. In order to achieve SID mobility, the underlying Mobile IP concept of re-routing sessions associated with a specific destination device as it moves through a network must be changed such that sessions can be re-routed to different destination devices than the original destination device. Rather than transferring the Transferring Node's base IP address 108, a separate session specific IP address 114 is created with which the Transferring Node 106 will communicate with the Correspondent Node 102. When a Correspondent Node initiates a session with the Transferring Node, the Transferring Node's base address 108 is initially contacted, and a new protocol is used to assign the session specific address 114 to the session instead of the base address 108. When a Transferring Node

> initiates a session with a Correspondent Node, the Transferring Node will first obtain the session specific address 114 and use it to establish the session. This configuration will allow the Transferring Node 106 to retain its base IP address 108 to establish and participate in additional sessions with other Correspondent Nodes, yet retain the ability to transfer the session with the Correspondent Node 102 by merely transferring the session specific IP address 114 to the Target Node 120.

Smith, paragraph 0051.

Smith teaches a system for transferring maintenance of an IP session to different servers. The specific terms that *Smith* uses are "transferring node," "correspondent node," "home agent," and "target node." The transferring node is the server that initially maintains the IP session. Applicants assume, a*rguendo*, that the transferring node is equivalent to the claimed "second server." The target node is the new server that is to take over the IP session. Applicants assume, *arguendo*, that the target node is equivalent to the claimed "first server." The correspondent node is a third server that negotiates the transfer by communicating with both the transferring node and the target node. *See Smith*, claim 17 and paragraph 0003. Applicants assume, *arguendo*, that the correspondent node *could be* a client device, although *Smith* indicates that the correspondent node is actually a third server. The home agent intercepts communications meant for the mobile node (the client device) from the transferring, correspondent, and target nodes, and forwards these communications to the mobile node wherever the mobile node currently is located. *Smith*, paragraph 0007.

With these definitions in mind, the cited portion of *Smith* teaches that a separate session specific IP address is created, with which the transferring node will communicate with the correspondent node. A new protocol is then used to assign the session specific address to the session, instead of the base address. Thus, the transferring node retains its base IP address and retains the ability to transfer the session by transferring the session specific IP address to the target node.

Nothing in the cited portion of *Smith* teaches, "*responsive to comparing*, creating, *at the client data processing system*, a release data packet, *wherein the release data packet includes the prior network address and wherein the release packet contains instructions for the second server to release the prior network address for reuse*." The disclosure simply does not exist, as the teachings of *Smith* in paragraph 0051 are wholly unrelated to the process of releasing the prior session.

The other cited portions of *Smith* *explicitly contradict* the Office Action's assertion that *Smith* teaches this claimed feature. Specifically, *Smith* teaches:

> [0056] Once the session has ended, the Target Node 120 should de-register with the Agent 110. Similarly, in order to transfer the session back to a node on the Transferring Node's subnet, the Target Node 120 must notify the new target and de-register with the Agent 110. To transfer the session to another node not on the Transferring Node's subnet, (if such permission has been granted), the Target Node 120 must notify the new Target Node and the new Target Node must register the new session address location with the Agent 110. *Once the session terminates, the* ***last Target Node should release*** *the session IP address 114*. In the case of DHCP server, the session IP address 114 will be released back to the DHCP server for future use. If the last Target Node is not on the Transferring Node's subnet, then it must also de-register the session address 114 with the Agent 110.

Smith, paragraph 0056 (emphasis supplied).

Smith explicitly states that ***the last target node*** should release the session IP address. In contrast, claim 1 requires, "creating, *at the client data processing system*, a release data packet." As established above, the target node is assumed, *arguendo*, to be the claimed first server. Thus, *Smith* actually teaches that the *first server* creates any release packet, *not the client*, as claimed.

Additionally, *Smith* is devoid of disclosure that the creation should be performed *if* the received network address is a new network address, as required by claim 1. Still further, *Smith* is devoid of disclosure that the release data packet include the prior network address, and that the release data packet actually contains the instructions for the previous server to release the prior network address for reuse, as required by claim 1.

Nevertheless, the Office Action also cites the following portions of *Smith* as teachings this claimed feature:

> [0057] Referring now to FIG. 2b, in which the Transferring Node 106' and the Target Node 120' are on the same subnet, the Target Node 120' can simply intercept the session traffic using a Proxy ARP message that binds the Target Node's link-layer address to the session IP address 114'. The Transferring Node 106' will cease to ARP for the session specific address 114' and the Target Node 120' will begin using ARP to look for the session specific IP address 114' instead. The session can also be passed on to other nodes on the Transferring Node's subnet in the same way or to nodes that are not on the Transferring Node's subnet using the method described above with respect to session specific transfers between nodes located on different subnets (if such permission has been granted). Again,

> once the session terminates, the last Target Node should release the session IP address 114'. If a DHCP server is being used, the Target Node 120' will release the session specific IP address 114' back to the DHCP server for future use.
>
> [0058] Those skilled in the art will readily realize that additional transfers of a given session are possible. After the initial transfer, using the same techniques the session could be returned to the original Transferring Node or instead transferred to another Target Node. Once the session terminates, the last Target Node should release the session IP address 114. In the case of DBCP server, the session IP address 114 will be released back to the DHCP server for future use. If the last Target Node is not on the original Transferring Node's subnet, then it must also de-register the session address 114 with the Agent 110.

Smith, paragraphs 0057 and 0058.

Paragraph 0057 describes an alternative in which the transferring node and the target node are on the same subnet. The target node intercepts the session traffic using a Proxy ARP message that binds the Target Node's link-layer address to the session IP address. However, again, *Smith* teaches that ***the last target node** should release* the session IP address. If a DHCP server is being used, the target node will release the session specific IP address back to the DHCP server for future use. Thus, again, *Smith* explicitly contradicts the assertion that *Smith* teaches the features of claim 1.

Paragraph 0058 describes that additional transfers of a given session are possible, *using the same techniques* provided elsewhere in *Smith*. Again, *Smith* reinforces the teaching that *the lat target node* releases the session IP address – a teaching that ***explicitly contradicts*** the assertion that *Smith* teaches the features of claim 1.

As shown above, neither *Smith* nor *Daizo* teach or suggest all of the features of claim 1. Hence, the proposed combination of references, considered as a whole, does not teach or suggest all of the features of claim 1. Accordingly, under the standards of *In re Lowry*, a *prima facie* obviousness rejection against claim 1 has not been established.

II.B. *The Combination of Daizo and Smith Does Not Teach "Comparing," as Recited in Claim 1*

The current version of claim 1 provides for, "comparing a received network address with a prior network address, wherein the received network address is received at the client data processing system, wherein the received network address is sent from a first server, wherein the prior network address is associated with the client data processing system, wherein the prior network address had been sent from a second server different than the first server, and wherein the received network address is received subsequent to receipt of the prior network address." However, the original features of claim 1 are similar to these features, so Applicants address the Examiner's comments directly. At least for the reasons provided below, the combination of *Daizo* and *Smith* does not teach or suggest what the Office Action asserts.

The Office Action first asserts that *Daizo* teaches, "comparing a received network address from a current server for use in identifying the data processing system with a prior network address from a previous server." However, this assertion is incorrect. The portion of *Daizo* to which the Office Action refers to is as follows:

> The selector unit 12g compares two IP addresses 32 and 33 received from DHCP servers 11 and 21, respectively with the reference address 31 stored in the memory unit 12f and selects one of the DHCP servers for which a client requests permission to use an IP address.

Daizo, col. 5, ll. 34-38.

This portion of *Daizo* teaches that a selector unit in a computer compares each of two IP addresses received from two DHCP servers *to a reference address* stored in the memory unit of the computer. *Daizo* then teaches that the computer selects one of the DHCP servers for which a client requests permission to use an IP address.

Overall, *Daizo* teaches a method of selecting which of several available DHCP servers to use. *Daizo*, Abstract. *Daizo* is particularly concerned with having computers on one local area network select the same DHCP server. In doing so, a situation can be avoided in which multiple computers in a local area network reference different DHCP servers. To accomplish this goal, as taught by the cited paragraph, *Daizo* teaches that the client computer receives IP addresses from two (or more) DHCP servers and then compares those IP addresses to a particular reference address. *Daizo* further teaches that the client computer selects the IP address corresponding to the DHCP server that is located physically closest to the client computer.

These teachings are in stark contrast to the claimed feature of, "comparing a received network address from a current server with a prior network address from a previous server, wherein the received network address is received at the client data processing system and wherein the prior network address is associated with the client data processing system." In

Daizo, the DHCP addresses are compared to a *reference* address. As claimed, two network addresses, the received network address and prior network address, *are compared to each other.* This feature is manifestly different than the teachings of *Daizo*. Thus, *Daizo* also does not suggest this feature of claim 1.

Moreover, in *Daizo*, the two described DHCP servers are concurrent – both have transmitted potentially usable IP addresses to the client. As claimed, a *current* network address from a *current* server is compared with a *prior* network address from a *previous* server. A current network address is a network address that is currently used. A prior network address is a network address that is no longer being used. These features are entirely distinct from the two concurrent IP addresses received in *Daizo*. Furthermore, *Daizo* teaches receiving IP addresses concurrently from two DHCP servers, and does not address a *current* server and a *previous* server. Instead, in *Daizo*, both DHCP servers are current servers. Thus, again, *Daizo* is completely different that the invention of claim 1. Accordingly, *Daizo* also does not suggest this feature of claim 1.

The Office Action does not assert that *Smith* teaches the claimed feature of, "comparing a received network address from a current server for use in identifying the data processing system with a prior network address from a previous server." Additionally, *Smith*, described further below, does not teach or suggest this claimed feature. Therefore, the proposed combination, considered as a whole, does not teach or suggest this claimed feature. Hence, under the standards of *In re Lowry*, the Office Action failed to state a *prima facie* obviousness rejection against claim 1.

II.C. Other Reasons for Patentability

Additionally, claim 1 now contains features present in the dependent claims. Still further, the Office Action failed to state a proper reason to combine the references for the same reasons presented in the prior response to Office Action. Therefore, claim 1 should now be in condition for allowance.

II.D. Remaining Claims

The Examiner rejected the remaining claims in view of a combination of various asserted references. Claims 2-20 have been canceled, thereby rendering these rejections moot. However, because these canceled claims are allowable at least for the reasons given above in sections II.A. through II.C., Applicants reserve the right to purse these canceled claims in one or more continuing or divisional applications.

III. Conclusion

The subject application is patentable over the cited references and should now be in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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